

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION
	:	
TERRY EUGENE PEACE	:	NO. 4:14-CR-11-1-HLM-WEJ

UNOPPOSED MOTION TO CONTINUE TRIAL

The Defendant, TERRY EUGENE PEACE, through his undersigned counsel, hereby moves this Court to continue the upcoming trial, which is scheduled to begin on March 9, 2015. In support of this motion, Mr. Peace offers the following:

1.

In the superseding indictment, Mr. Peace is charged in a pair of counts with conspiring to possess unregistered destructive devices in violation of 18 U.S.C. § 371 and with conspiring to use weapons of mass destruction (i.e., pipe bombs) against infrastructure of several United States agencies, including DHS, FEMA, and TSA in violation of 18 U.S.C. § 2332a(a)(2)(A). (Doc. 75). The government filed this superseding indictment two days before Christmas, and more than nine months after it filed the original indictment, and Mr. Peace was arraigned on January 5, 2015, early last month. (Doc. 27, Doc. 75, Doc. 86). The Court has set

this case upon a trial calendar beginning March 9, 2015. (Doc. 95). It is this date which Mr. Peace now asks this Court to postpone.

2.

Mr. Peace, through counsel, continues to investigate the facts of the case and to explore his options going forward. The recent superseding indictment, on which Mr. Peace was arraigned last month, includes a new count (charging a violation of 18 U.S.C. § 2332a) that is far more serious and carries a far harsher penalty (up to life imprisonment) than the sole § 371 count (with a five-year maximum) set forth in the original indictment one year ago. In spite of counsel's best effort, he and Mr. Peace are simply not yet prepared to try this case. For this reason, they request a continuance of the trial date.

3.

The government has authorized defense counsel to report that it does not object to this motion to continue. Moreover, counsel for co-defendant Brian Cannon also states that he does not object. As of the filing of this motion, counsel for co-defendant Corey Williamson had not responded to an email seeking his consent to this motion.

4.

A district court has broad discretion in deciding whether or not to grant a

motion to continue a trial. *See Morris v. Slappy*, 461 U.S. 1, 11-12 (1983) (counsel must present “compelling reasons” for continuance and court must not “arbitrarily insist[] upon expeditiousness in the face of a justifiable request for delay”); *United States v. Davis*, 967 F.2d 516, 518 (11th Cir. 1992), *reh’g granted on other grounds*, 30 F.3d 108 (1994) (court should consider, *inter alia*, the accused’s role (or lack thereof) in the shortening of the time period, the degree of complexity of the case, and the availability of discovery from the prosecution). For the reasons discussed above, Mr. Peace’s motion is based on good faith and is not a “transparent ploy for delay,” and this Court should use its discretion to grant the motion to continue. *Slappy*, 461 U.S. at 13.

Conclusion

For these reasons, Mr. Peace respectfully asks this Court to grant his motion to continue the upcoming trial. Mr. Peace agrees that the time between the former and new trial dates should not be counted toward the Court’s speedy trial calculations. 18 U.S.C. § 3161, *et seq.* Counsel has attached a proposed order for the Court’s review.

Respectfully submitted, this the 24th day of February, 2015.

/s/ W. Matthew Dodge
W. Matthew Dodge
Attorney for Mr. Peace
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was formatted in Book Antiqua 13 pt., pursuant to Local Rule 5.1C, and was electronically filed this day with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to Tracia King and Ryan Buchanan, Assistant United States Attorneys, 600 Richard B. Russell Building, 75 Spring Street, S.W., Atlanta, Georgia, 30303.

Respectfully submitted, this the 24th day of February, 2015.

/s/ W. Matthew Dodge
W. Matthew Dodge